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Report of the Working Group on the Universal Periodic Review*

Philippines

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Philippines response to UN Human Rights Council recommendations in the 3rd cycle of the Universal Periodic Review of the Philippines, 8 May 2017

1. The Government of the Republic of the Philippines (GPH) presents its final actions on the recommendations arising from its 3rd cycle Universal Periodic Review (UPR) on 8 May 2017. GPH underlines that its full participation in the UPR reflects the country's desire to further strengthen it as a responsive monitoring and review mechanism for upholding human rights.

2. GPH carefully reviewed the recommendations and considered inputs from various stakeholders, including representatives from the State's Executive department[1], the Legislature, i.e., the Senate and the House of Representatives, and the Supreme Court. The Presidential Human Rights Committee, in cooperation with the Department of Foreign Affairs, spearheaded the consultations and coordinated State actions on the recommendations. Efforts were made to ensure that the State actions were reached in accordance with UN guidelines.

3. Of the 257 recommendations received by GPH, a total of 103 were accepted and fully supported, given that these recommendations clearly gave due recognition and respect to the State having implemented them or to its current efforts in implementing the same.

4. A total of 154 recommendations were noted.

(a) While GPH can essentially support an additional 99 recommendations, the State cannot guarantee or commit to their fruition given that the results of processes required to implement them are beyond the sole control of any of the branches of the government. This is specifically true for recommendations that pertain to legislative action, which would require consultative processes with stakeholders. GPH, nonetheless, will strive to implement the aforementioned recommendations according to its national, cultural, and historical circumstances, and despite its constraints.

Moreover, among the 99 recommendations were those perceived to insinuate, advertently or inadvertently, that the State has not taken any action whatsoever on the concerns raised despite having substantially reported the same both in the National Report and during the interactive dialogue. Full acceptance of these recommendations would denigrate the State's current serious efforts that already address the issues raised.

(b) The State could not support a total of 55 recommendations. While GPH continues to carry out its responsibilities in upholding respect, promotion, and protection of human rights, the State could not agree to the recommendations' premises and contexts. Most of the recommendations were sweeping, vague and even contradictory, especially in the context of the Philippines' democratic processes. A few of the recommendations, however, may merit future consideration by GPH depending on the results of internal

[1] These agencies are as follows: Department of Foreign Affairs (DFA), Department of Justice (DOJ), Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Labor and Employment (DOLE), Department of Education (DepEd), National Economic Development Authority (NEDA), Philippine Commission on Women (PCW), Philippine Development Authority (PDEA), National Council for Indigenous Peoples (NCIP), National Anti-Poverty Commission (NAPC), Armed Forces of the Philippines-Human Rights Office (AFP-HRAO), Philippine National Police-Human Rights Affairs Office (PNP-HRAO), and Climate Change Commission (CCC).

processes to be undertaken relative to the recommendations, including a review of specific treaties or conventions and multi-stakeholder consultations.

5. The following recommendations enjoy the support of GPH:

Scope of international obligations and cooperation with human rights mechanisms

- Recommendation 133.20.

National Human Rights Framework

- 133.19, 133.21, 133.30–32, 133.34–42, 133.44–48, 133.50-56, 133.58–60, 133.65 and 133.125.

Right to Development

- 133.66–68, 133.204, 133.205 and 133.207.

Environment

- 133.69–73.

Human Rights and Counter-Terrorism

- 133.75.

Right to life, liberty, and security of persons

- 133.99.

Administration of justice, including impunity, and the rule of law

- 133.132, 133.134 and 133.231.

Prohibition of all forms of slavery

- 133.184–197 and 133.200.

Right to privacy and family life

- 133.201.

Right to work and to just and favorable conditions of work

- 133.203.

Right to social security

- 133.209, 133.227 and 133.249.

Right to adequate standard of living

- 133.206, 133.208, 133.210–212.

Right to health

- 133.213–218.

Right to education

- 133.219–225.

Rights of women

- 133.126 and 133.228.

Rights of children

- 133.233–237, 133.240, 133.241 and 133.245.

Rights of persons with disability

- 133.247 and 133.248.

Rights of migrants, asylum seekers and internally displaces persons

- 133.251–254.

Rights of stateless persons

- 133.255.

6. GPH notes the following recommendations:

- 133.6-10, 133.18, 133.22–24 and 133.25;
- 133.26–29, 133.33, 133.43, 133.121, 133.133 and 133.139;
- 133.61–64;
- 133.74;
- 133.57, 133.100–112, 133.114-117, 133.120, 133.122, 133.123, 133.127, 133.128, 133.137, 133.144, 133.145, 133.149, 133.152 and 133.158;
- 133.113, 133.130–131, 133.135-136, 133.140–143, 133.147, 133.155–157;
- 133.170–182;
- 133.138, 133.198–199;
- 133.202;
- 133.183, 133.226, 133.229–230;
- 133.129, 133.159, 133.161, 133.238–239, 133.242–244;
- 133.246;
- 133.250;
- 133.256–257;
- 133.1–5, 133.11–17, 133.49 and 133.119;
- 133.76–98, 133.118, 133.124, 133.146, 133.148, 133.150–154;
- 133.160, 133.162–169 and 133.232;

7. As a universal mechanism that seeks to foster the sharing of good practices in the implementation of human rights commitments and obligations of member States, the UPR process has been successful in encouraging GPH to continue its ongoing efforts towards the fulfillment of human rights for all, as presented, in the National Report. GPH recognizes the recommendations of member States, which reflect recognition and respect for the State's implementation of its human rights commitments and do not seek to impose a certain standard on the State's pursuit of human rights.

8. The determination of recommendations that were noted was anchored on the State's national circumstances.

(a) As an example, recommendations referring to extrajudicial killings (EJKs) allegedly resulting from the anti-illegal drug (AID) campaign of the administration were already addressed in the interactive dialogue. The State had sufficiently explained that deaths, which occurred in the course of the implementation of the AID, are not EJKs. These are deaths arising from legitimate law enforcement operations or deaths that require further investigation following the established rules of engagement by the country's law enforcers.

(b) Recommendations on the re-imposition of the death penalty and the lowering of the age of criminal responsibility, were likewise addressed during the interactive dialogue. The State informed that the concerns were subject to further deliberations in the Philippine Congress, which include comprehensive consultations with all stakeholders concerned, the outcome of which the State cannot influence.

9. GPH proposes that recommendations that were noted and essentially supported in part, and which, in previous review cycles were not required to be acted upon by States, be reviewed and updated in the next review cycle. All States shall be strongly encouraged to do so according to the context in which such recommendations were accepted or supported.